

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-----------------------|---------------------|---|-------------------|---------------|
| In re Application of: | Dianne ELLIS et al. |) | Examiner: | Choi, Peter Y |
| | |) | | |
| Application No.: | 10/762,945 |) | Group Art Unit: | 1794 |
| | |) | | |
| Filed: | January 22, 2004 |) | Confirmation No.: | 5980 |
| | |) | | |
| Docket No.: | 02-299 |) | | |

For: ANTI-MICROBIAL NONWOVEN WIPE

RESPONSE TO ELECTION/RESTRICTION FILED

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action dated February 13, 2009 setting forth an election of species requirement, the applicants elect Group II, wherein the anionic anti-microbial agent is a dual quaternary ammonia anti-microbial agent, encompassing claims 1, 2, 4-6, 10-12 and 15-24 with traverse.

The applicants respectfully traverse the election of species requirement because there would be no serious burden on the examiner if election is not required between species I and II identified in the Office Action (M.P.E.P. § 808.01(a)).

Previously presented claims 9 and 14 were pending and non-restricted at the time the Office Action on the merits issued on January 8, 2008.¹ Therefore, there should be no serious additional search and examination burden associated with maintaining species I and II together for further examination at this time.

¹ The Patent Office's attention is kindly directed to the "Examiner's search strategy and results" information ('EAST Search History' of 10/14/2007), available via PAIR, for said Office Action.

U.S. Patent Application No. 10/762,945
Response to Election/Restriction Requirement
Reply to Office Action dated February 13, 2009

If the Examiner believes that a teleconference would be useful in expediting the prosecution of this application, the official is kindly invited to contact the applicants' representative of record indicated below.

Respectfully submitted,

/Ramon R. Hoch/
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Date: February 25, 2009

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